

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
FRIDAY 16 MARCH 2018**

CABINET
6 March 2018

PRESENT – Councillor Dixon (in the Chair); Councillors Harker, C L B Hughes, McEwan, S Richmond, A J Scott and Wallis. (7)

INVITEES – Councillors Curry, I G Haszeldine and Mrs Scott. (3)

ALSO IN ATTENDANCE – Councillors Carson, Crichlow, Johnson and Lawton. (4)

C122. REPRESENTATIONS – No representations were made by Members or members of the public in attendance at the meeting.

C123. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

C124. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Cabinet held on 6 and 13 February 2018.

RESOLVED - That the Minutes be confirmed as a correct record.

REASON – They represent an accurate record of the meeting.

C125. MATTERS REFERRED TO CABINET - There were no matters referred back for re-consideration to this meeting.

C126. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny considered at this meeting.

C127. KEY DECISIONS – (1) Local Transport Plan - Capital Spend And Local Improvement Plan Progress - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Economic Growth (previously circulated) providing Members with an annual update on Highways and Transport from a national, regional and local perspective; outlining performance, public satisfaction and reports on delivery in 2017/18; providing an update on the proposed update of Darlington's Local Transport Plan (LTP) and seeking approval to consult; requesting that consideration be given to the 2018/19 programme of projects; and to the release of funding for the local and regional transport priorities.

The submitted report stated that the Tees Valley and Darlington had agreed a clear set of strategic transport priorities that formed part of the Tees Valley Devolution deal; the first Tees Valley Strategic Transport Plan was being developed, which would link into national and sub-national strategy but would also mean that Darlington had to update its LTP to reflect changes in functions and roles; Darlington would produce a Local Implementation Plan to reflect local priorities and policy with the TVCA focussing on

Strategic Transport; and that Darlington had secured circa £5.5M above LTP allocations which would facilitate growth and improved transport.

Particular reference was made at the meeting to the issue of potholes in the Borough and to the pothole policy. In response it was reported that although some of the repairs would be planned the majority of the work would be undertaken following inspection and that changes had been made to the policy to help lengthen the life of the Council's roads.

Reference was also made to the delivery of the Bikeability Plus Scheme in 2017/18 and to the proposal to improve the toucan crossing on Victoria Road. The Cabinet Member with the Leisure and Local Environment Portfolio responded thereon.

RESOLVED – (a) That the progress in delivering the Local Transport Plan, as detailed in the submitted report, be noted, and the release of £0.866m Integrated Transport Block and £1.689m Highway Maintenance Funding (£1.398m plus £0.291m incentive funding) to deliver the 2018/19 LTP programme, as shown in Appendix A of the submitted report, be agreed.

(b) That the Pothole Fund monies (amount to be announced) awarded by the Department for Transport (DfT), be released.

(c) That the successful bid to the National Productivity Investment Fund, as detailed in the submitted report, be noted, and the release of £1.519m in 2018/19 and £1.855m in 2019/20, be agreed.

(d) That the submission of due diligence forms for the next tranche of Tees Valley Combined Authority Single Pot Sustainable Access to Employment programme funding for schemes on Rotary Way and Woodland Road, be agreed, and if successful £550k of funding and £50k of Tees Valley Combined Authority development fund monies for feasibility work on Victoria Road, be released.

(e) That authority be delegated to the Director of Economic Growth, in consultation with the Cabinet Member with the Leisure and Local Environment Portfolio, to agree bidding on external funding available through the following funds and if successful, to release the funding secured:-

- (i) Challenge Fund Tranche 2;
- (ii) Electric Vehicle Charging Points; and
- (iii) Transforming Cities.

(f) That the timetable for consultation on the Tees Valley Combined Authority Strategic Transport Plan and the proposed framework for consultation on the Darlington Transport Plan, as detailed in the submitted report, be noted.

(g) That the delivery of transport schemes in 2017/18 and current performance in relation to road safety, highway maintenance, network management and public satisfaction, as detailed in the submitted report, be noted.

(h) That authority be delegated to the Director of Economic Growth, in consultation with the Director of Neighbourhood Services and Resources, to enter into a funding

agreement with Highways England should the transport assessment show there is an impact on the strategic road network.

REASONS – (a) To continue to deliver Darlington's transport strategy and deliver against the objectives set out in the Third Local Transport Plan.

(b) To maximise the opportunities to maintain the highway asset for the benefit of all road users.

(c) To deliver three major junction improvements to support on-going developments in the Eastern Growth Zone, including the developments at Ingenium Parc.

(d) To maximise the potential for investment in Darlington and to underpin the economic growth strategies, specifically supporting improved accessibility to Darlington Station and sustainable travel to the north-west growth zone (Faverdale and West Park).

(e) To maximise the Council's opportunity to bid for and deliver externally funded transport schemes.

(f) To ensure that the Strategic Transport Plans for the Tees Valley meet the economic aspirations of the Tees Valley Combined Authority and seek to maximise the benefits for Darlington residents, visitors and businesses; and to enable local people, businesses and organisations to shape the Darlington Transport Plan.

(g) To evaluate the delivery of schemes and the progress of transport investment against performance.

(2) Private Sector Environmental Crime Enforcement - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) requesting that consideration be given to entering into a contract with a private sector company to provide enforcement services for litter and dog fouling offences.

The submitted report stated that as part of the 2016 Medium Term Financial Plan the Council had agreed to review the use of private sector environmental crime enforcement, tackling in particular litter; officers and Members had visited two local authorities that used private sector enforcement companies; feedback from those authorities was generally favourable; and that it was proposed to tender and enter into a contract with a private sector company, initially to provide a six months' trial for litter and dog fouling offences.

Particular references were made to the areas covered by the contract; HR, financial and legal implications; and to the different arrangements that would apply to those young people under 18 years of age who committed litter or dog fouling offences.

Discussion ensued on the importance of education in tackling litter and dog fouling offences; discarding of dog bags; location of bins; repeat offenders; arrangements for vulnerable people; and parking on grass verges. The Cabinet Member with the Leisure and Local Environment Portfolio responded thereon.

RESOLVED – (a) That a contract with a private sector organisation be entered into to deliver enforcement services for environmental crime.

(b) That the procurement process be deemed to be strategic.

(c) That the existing early payment arrangement, as detailed in the submitted report, be removed, and the fine for litter and dog fouling be set at £75.

(d) That the policy, as detailed at paragraph 24 of the submitted report, with regard to young people under 18 years of age, be confirmed.

REASONS – (a) To assist the Council in dealing with litter and dog fouling throughout the Borough.

(b) To enable the appropriate arrangements to be put in place with regard to level of fine and action for young people under 18 years of age.

(3) Feethams Office Development – Plot 1 - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth and the Director of Neighbourhood Services and Resources (previously circulated) requesting that consideration be given to the release of capital to build the Feethams office development.

The submitted report outlined the background to the proposed development; the financial and funding implications; stated that it had not proved possible to pre-let the space prior to commencing development; and that the establishment of Grade A office accommodation in the Town Centre was seen as a significant regeneration scheme and job creation opportunity. Particular reference was made to the potential risks to the Council should no rental income, or lower than anticipated rental income, be received.

Discussion ensued on the possibility of displacing companies already located within the Town Centre; parking arrangements; benefits to the Town Centre; and to the loan from the Tees Valley Combined Authority.

RESOLVED – (a) That, subject to receiving final approval of Tees Valley Combined Authority and European Regional Development funding, capital expenditure of £8.3m be agreed for the purpose of constructing the Feethams office development.

(b) That £0.5m of the scheme be funded from the Economic Growth Initiative Fund.

(c) That £2.63m be funded from the Capital Investment Fund.

(d) That, subject to receipt of satisfactory funding, authority be delegated to the Director of Economic Growth and to the Assistant Director Law and Governance to enter into the construction contract for the design and construction of the office and public realm.

(e) That authority be delegated to the Director of Neighbourhood Services and Resources to enter into the grant funding agreements, on the terms as set out in the submitted report.

(f) That any revenue deficit accrued on the scheme be charged to the Economic Growth Initiative Fund.

REASONS – (a) To continue the strategic development of Feethams, in line with the Feethams masterplan.

(b) To attract more professional, business and office based jobs to the centre of Darlington contributing to Town Centre vitality.

(c) To enable the project to advance in line with the desired timetable.

(d) To put in place funding for any revenue deficits from the scheme.

(4) Neasham Road – Linked to Relocation of Cattle Mart – With the prior approval of the Chair to the matter being treated as urgent to enable a decision to be made at the earliest possible date, the Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Economic Growth (previously circulated) requesting that consideration be given to the Council's current proposal that, if implemented, would facilitate the relocation of the Clifton Road Darlington Farmers Auction Mart (DFAM) and to the acquisition of circa 55 acres of land at Neasham Road from DFAM, that would accommodate a future mix of housing.

The submitted report stated that in accordance with the provisions of the Darlington Extension and Improvement Act 1872, the Council had voted in favour of the relocation of the Cattle Mart facility from Clifton Road to Humbleton Farm; the Council had been working over a number of years to identify a viable and sustainable route to enable the relocation of the Cattle Mart to a suitable out of town site; the land in DFAM ownership at Neasham Road presented an attractive proposition to finally secure the relocation and bring forward a significant supply of land for housing development; the site at Neasham Road could provide up to 500 units; and it could contribute to the affordable housing needs in the Borough. It was reported that the land at Neasham Road was subject to a conditional sale option agreement with a national housebuilder that would need to be resolved to enable the acquisition to proceed.

Particular references were made to the importance of the scheme progressing for the residents of the Park East Ward who resided close to the current Cattle Mart and to the farming community; the economic benefits to the Borough; and to improved safety for the public once the Cattle Mart relocated.

RESOLVED – (a) That the purchase of the land at Neasham Road, the surrender of the lease of Clifton Road, the grant of the market rights in consideration for the option of the Mart land, be approved, and authority be delegated to the Director of Economic Growth, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio to conclude negotiations, in line with the principal terms as set out in Appendix B (Part III) of the submitted report.

(b) That the Assistant Director Law and Governance be authorised to execute the necessary documents to give effect to the following;

- (i) the purchase of the land at Neasham Road;
- (ii) the surrender of the lease of Clifton Road; and

- (iii) the grant of the market rights in consideration for and subject to the grant of option over the Mart Land

(c) That it be noted that the site at Neasham Road is subject to a conditional sale agreement for the benefit of a national housebuilder and that the acquisition of the site by the Council is contingent on this third party agreeing to surrender its interests.

(d) That the release of both received and committed Section 106 monies, especially designated for affordable and social housing, be delegated to the Director of Economic Growth to facilitate the purchase of the land at Neasham Road.

(e) That the balance of funding required in the short term to acquire the land be funded from the Capital Investment Fund and that the fund be repaid from future receipts generated from the site and appropriate Section 106 receipts, as detailed at (d) above.

REASONS – (a) To provide a site capable of contributing to the delivery of Council Housing Stock and other affordable/social homes to satisfy the Borough's housing need.

(b) To help facilitate the relocation of the Cattle Mart facility from Clifton Road to Humbleton Farm.

C128. EQUALITY POLICY AND OBJECTIVE 2018-22 - The Cabinet Member with the Housing, Health and Partnerships Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the proposed Equality Policy and Objective 2018/22 (also previously circulated).

The submitted report stated that the Council was required to meet the Public Sector Equality Duty (PSED), as established by the Equality Act 2010; outlined the work undertaken to refresh the current equality scheme; financial and legal implications; consultation undertaken; and the equality considerations.

RESOLVED – (a) That the content of the proposed Equality Policy and Objective 2018/22, as detailed at appendix A of the submitted report, be agreed.

(b) That the Cabinet Member with the Health and Partnerships Portfolio be this Council's champion for equalities issues.

REASONS – (a) The Council needs to meet the Public Sector Equality Duty (PSED), as set out within the Equality Act 2010, be agreed.

(b) Publishing an equality policy containing the Council's equality objective demonstrates how the Council will comply with the PSED over the next four years.

C129. MEMBERSHIP CHANGES – There were no membership changes reported at the meeting.

**DECISIONS DATED –
THURSDAY 8 MARCH 2018**